

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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CHRISTOPHER E. BROWN,

Plaintiff,

-against-

GREEN 317 MADISON, LLC, and
NATIONAL 42nd ST. REALTY, INC.,

Defendants.
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MEMORANDUM & ORDER

11-cv-4466 (ENV) (CLP)

VITALIANO, D.J.,

On March 18, 2013, on stipulation of settlement by the parties, the Court dismissed this action with prejudice, but retained jurisdiction to enforce the terms of the settlement and to determine appropriate reimbursement and fees. On May 29, 2013, plaintiff moved the Court to award attorney's fees, expert fees, litigation expenses, and costs, and on February 4, 2014, Magistrate Judge Cheryl L. Pollack recommended that plaintiff be awarded \$73,778.50 in attorney's fees, \$3,457.00 in expert fees, and \$969.91 in expenses and costs, for a total award of \$78,205.41.

In reviewing a report and recommendation ("R&R") of a magistrate judge, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). A district judge is required to "make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made" by any party, Fed. R. Civ. P. 72(b), but

where no timely objection has been made, the “district court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s Report and Recommendation. *Urena v. New York*, 160 F. Supp. 2d 606, 609–10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).



The R&R gave proper notice that any objection must have been filed within 14 days. Neither plaintiff nor defendants have objected to Judge Pollack’s R&R within the time prescribed by 28 U.S.C. § 636(b)(1). In accord with the applicable standard of review, the Court finds Judge Pollack’s R&R to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts it in its entirety as the opinion of the Court.

Accordingly, plaintiff is awarded \$73,778.50 in attorney’s fees, \$3,457.00 in expert fees, and \$969.91 in costs and expenses, for a total award of \$78,205.41, to be paid by defendants.

The Clerk of Court is directed to maintain this case on the closed docket.

SO ORDERED.

Dated: Brooklyn, New York
March 25, 2014


s/Eric N. Vitaliano

ERIC N. VITALIANO
United States District Judge